

DRAWING AMENDMENTS

Please substitute the attached “Replacement Sheet” of formal drawings depicting Fig. 1 for original Fig. 1 filed with the patent application on August 21, 2003. The attached “Replacement Sheet” changes reference number “192” used to identify the optical disk to reference number “199.” An “Annotated Sheet” showing original Fig. 1 with the changes made thereto also is attached to this paper.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application and reconsideration of the Office Action dated June 26, 2006.

I. General Remarks Regarding the Content of this Amendment

Upon entry of this Amendment, claims 1-4, 6-10, 12-21, 24, 26, 27, 34-37, 39-43, 45-53, 56, and 58 will remain pending in this application. The independent claims have been amended to recite that data relating to the electronic documents are arranged and/or stored in a single hierarchical data structure or arrangement. Support for these changes can be found, for example, in original claims 11, 22, 23, 25, 44, 54, 55, and 57, as well as in at least original Figs. 7A through 15C and their corresponding descriptions in the original specification. Original claims 5, 11, 22, 23, 25, 28-33, 38, 44, 54, 55, 57, and 59-65 have been canceled without prejudice or disclaimer by this Amendment.

Through this Amendment, the specification and Fig. 1 have been amended to change reference number 192, when used to refer to the optical disk, to reference number 199. These changes are made because reference number 192 also is used in Fig. 1 to refer to the “Hard Disk Interface.”

No new matter is included in this Amendment, and no additional claim fees are due as a result of this Amendment.

As noted above, various claims have been canceled from this application and certain claims have been amended. These changes have been made without prejudice or disclaimer. While Applicants do not necessarily agree with or acquiesce in the grounds of rejection raised with respect to any claims in the application, in order to expedite prosecution and to facilitate allowance of this application, Applicants make these claim changes in the present application. Applicants present these changes solely for the purposes of expediting prosecution and facilitating the immediate allowance of this present application. Applicants reserve all rights to pursue claims of the same or similar scope to the original and/or canceled claims in this application, e.g., by filing a continuing application.

II. Confirmation of Election

Applicants confirm the Restriction/Election requirement as described on pages 2-3 of the June 26, 2006, Office Action. Applicants further affirm their previous oral election of the subject matter of Group I (claims 1-27 and 34-58). Non-elected claims 28-33 and 59-65 are canceled without prejudice or disclaimer by this Amendment. Applicants reserve all rights with respect to these non-elected claims.

III. The Claims Comply with the Requirements of 35 U.S.C. § 101

In the Office Action, the Office rejected claims 18-27 as allegedly directed to non-statutory subject matter. *See* the Office Action at pages 3-4. This rejection is respectfully traversed and reconsideration is requested.

While Applicants do not concede that original claims 18-27 were in any manner deficient, in order to expedite prosecution and to facilitate allowance of this application, independent claim 18 has been amended to recite that the method is a “computer-implemented method for processing data including electronic ink data.” Moreover, independent claim 18 has been amended to recite

storing results from parsing the first data set and parsing the second data set as a data structure on a computer-readable medium, wherein the data structure includes context nodes associated with the first data set and the second data set in a single hierarchical arrangement.

Accordingly, in their amended form, claims 18-21, 24, 26, and 27 clearly recite statutory subject matter in describing a method that produces “useful, concrete, and tangible” results (*e.g.*, data stored on a computer-readable medium). Applicants respectfully request withdrawal of this rejection.

IV. Claims 1-27 and 34-58 Patentably Distinguish from the Cited Schilit Patent

The Office rejected claims 1-27 and 34-58 under 35 U.S.C. § 102(e) as allegedly anticipated by Schilit, et al., U.S. Patent No. 6,687,876 (hereinafter “Schilit”). *See* the Office Action at pages 4-11. Applicants respectfully traverse this rejection and request reconsideration.

To anticipate a claim, the cited reference must teach each and every element of the claim. Moreover, the identical invention must be disclosed in as complete detail as is contained in the

claim, and the various claimed elements must be arranged in the same manner as required by the claim. *See The Manual of Patent Examining Procedure*, § 2131 and the cases cited therein. As will be demonstrated below, the Schilit patent fails to anticipate Applicants' claimed invention.

Applicants' claim 1 recites a method for processing electronic data that includes: (a) creating a first context node associated with a first portion of a base portion of an electronic document; (b) creating a second context node associated with an annotation to the base portion, wherein the annotation includes electronic ink data; and (c) linking the second context node with the first context node. The claim further recites that the first and second context nodes are arranged in a single hierarchical data structure representing data associated with the electronic document. Schilit does not teach or suggest this claimed method.

In rejecting original claim 11 (the subject matter of which has now been incorporated into claim 1), the Office asserted that:

Schilit teaches the first context node and the second context node are arranged in a hierarchical data structure representing data associated with the electronic document. Schilit discloses a logical relationship between ink annotations and objects which are arranged on nodes of a tree [citing Schilit at column 2, line 65 through column 3, line 9]. A tree of nodes representation is interpreted as a hierarchy data structure.

See the Office Action at page 7, lines 12-16. The portion of Schilit cited by the Office is reproduced below:

The method and system also maintain the indication of the logical relationships between freeform digital ink annotations and objects in dynamic media such as video and interactive virtual worlds. For example, if a user, who is exploring an information space with a hyperbolic browser, makes a freeform digital ink annotation on a node of the tree, when the user changes the display to bring another portion of the tree into focus, the freeform digital ink annotation rotates and scales along with the tree to continue to indicate the logical relationship of the freeform digital ink annotation to the node.

See Schilit at column 2, line 66 through column 3, line 9.

The “node” and “tree” described in Schilit relate to a display of a view of a hyperbolic browser, as illustrated by display 40 in Figs. 2A and 2B of Schilit. *See* Schilit, for example, at column 4, lines 45-54. The mere fact that Schilit describes and illustrates a visual representation

of a browser's output as a display 40 including some type of "tree" and "node" structure says nothing about the underlying data structure used to provide data for generating and/or populating the display. It is pure speculation, without evidentiary support, to conclude that because a visual display 40 has a "tree" and "node" structure, the underlying data used to generate and/or populate this display must have a hierarchical structure. Accordingly, Applicants respectfully submit that Schilit fails to anticipate claim 1 for this reason.

The deficiencies of Schilit with respect to Applicants' claim 1 do not end with those described above. Notably, Applicants' claim 1 further recites that the first and second context nodes, one associated with the base portion of the electronic document and one associated with the electronic ink annotation, are arranged in a single hierarchical data structure representing data associated with the electronic document. Even if one were to assume that the Schilit system and method used some type of underlying hierarchical data structure (an assumption not supported by evidence), there is nothing in the patent that teaches or suggests storage of: (a) data associated with a base portion of an electronic document (*i.e.*, the "first context node") and (b) electronic ink data associated with an annotation to the base portion of the electronic document (*i.e.*, the "second context node") in a single hierarchical data structure, as recited in Applicants' claim 1. Accordingly, Schilit fails to anticipate Applicants' claim 1 for this additional reason.

Applicants' independent claim 18 also distinguishes from Schilit. This claim recites a computer-implemented method for processing data including electronic ink data that includes: (a) parsing a first data set containing data associated with a base document; (b) parsing a second data set that includes unclassified electronic ink data; (c) storing results from parsing the first and second data sets as a data structure on a computer-readable medium, wherein the data structure includes context nodes associated with the first and second data sets in a single hierarchical arrangement; and (d) linking at least some portion of the second data set with at least some portion of the first data set.

Schilit does not teach or suggest storing results from parsing two data sets (one of which includes electronic ink data) as a data structure, wherein the data structure includes context nodes associated with the first data set and the second data set in a single hierarchical arrangement, as

recited in Applicants' claim 18. Schilit provides no information regarding the underlying data structure used for storing any parsing results. For these reasons, Applicants respectfully submit that Schilit fails to anticipate claim 18.

Applicants' independent claim 34 relates to a system for processing electronic data that includes electronic ink annotation data relating to an electronic document. The processor included in this claimed system arranges the first context node (associated with the electronic document) and the second context node (associated with the electronic ink annotation) in a single hierarchical data structure representing data associated with the electronic document. For the reasons described above in conjunction with claim 1, Applicants respectfully submit that Schilit fails to teach or suggest a system that uses a single hierarchical data structure that stores both data associated with the electronic document and electronic ink data associated with an annotation to that document, as recited in claim 34.

Independent claim 50 also patentably distinguishes from the cited Schilit patent. This claim recites a system for processing electronic data wherein results from parsing two data sets (one of which includes electronic ink data) are stored as a data structure including context nodes associated with each data set in a single hierarchical arrangement. For the reasons described above in conjunction with claim 18, Applicants respectfully submit that Schilit fails to teach or suggest storage of context nodes associated with two data sets in a single hierarchical arrangement.

Applicants' claims 12, 26, 45, and 58 depend from claims 1, 18, 34, and 50, respectively, and further recite that various claim-identified context nodes share at least one common parent node in the overall hierarchical data structure or arrangement. Nothing in the disclosure of Schilit teaches or suggests that an underlying data structure for storing any electronic document includes a hierarchical structure capable of including the electronic ink data and other data representing the electronic document under a common parent node. Accordingly, Applicants respectfully submit that Schilit also fails to anticipate the features of these dependent claims.

Because the claims not specifically addressed above depend, either directly or indirectly, from one of claims 1, 18, 34, and 50, Applicants respectfully submit that these claims are allowable at least for the same reasons that make their respective independent claims allowable.

In view of the foregoing, Applicants respectfully submit that Schilit fails to anticipate claims 1-27 and 34-58 and that these claims patentably distinguish from Schilit. Withdrawal of this rejection and allowance of these claims are earnestly solicited.

V. Conclusion

If the Examiner believes that a telephone conference or a personal interview will be useful to advance the prosecution of this application and/or place the application in condition for allowance, he is invited to contact the undersigned attorney by telephone.

Applicants believe that no fees are due to enable entry and consideration of this Amendment. If, however, the Office determines that any fees are required, such as fees under 37 C.F.R. §§ 1.16 or 1.17, or if an extension of time is necessary that is not accounted for in the papers filed with this Amendment, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees, including any necessary extension fees or other fees needed to maintain the pendency of this application.

All rejections having been addressed, Applicants respectfully submit that this application is in condition for immediate allowance and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

By: William F. Rauchholz
William F. Rauchholz
Reg. No. 34,701

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597
(202) 824-3000 (Telephone)
(202) 824-3001 (Facsimile)
Dated: September 21, 2006